

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION**

ANDREW STEPHEN ROBERTS

PLAINTIFF

VERSUS

CIVIL ACTION NO: 5:09-cv-193-DCB-JMR

HERITAGE CHRYSLER DODGE JEEP, INC.

DEFENDANT

ORDER

This matter comes before the Court on the plaintiff's Motion to Remand [docket entry no. 4]. Having carefully considered the Motion, the defendant's Response thereto, applicable statutory and case law, and being otherwise fully advised in the premises, the Court finds and orders as follows:

Andrew Stephen Roberts ("plaintiff"), a resident of Louisiana, commenced this action in the Circuit Court of Adams County, Mississippi, against Heritage Chrysler Dodge Jeep, Inc. ("defendant") on October 12, 2009. The Complaint seeks damages for physical injuries sustained as a result of the defendant's alleged negligence in failing to maintain a reasonably safe business environment.

The defendant removed this case to this Court on November 12, 2009, stating that complete diversity of citizenship existed between the parties and the amount in controversy is believed to exceed \$75,000, exclusive of interest and costs. The plaintiff filed a Motion to Remand on December 4, 2009, arguing that because the defendant is a corporation with its principal place of business in Mississippi, the defendant may not remove this case.

In its Response [docket entry no. 9], the defendant concedes that, after reviewing the case law cited by the plaintiff, this case should be remanded to state court. Under 28 U.S.C. § 1441(b), an "action shall be removable [for complete diversity] only if none of the parties in interest properly joined and served as defendants is a citizen of the State in which such action is brought." In the instant case, the defendant is a resident corporation of Mississippi. For these reasons, the Court finds that the plaintiff's Motion to Remand is well-taken.

Accordingly,

IT IS HEREBY ORDERED that the plaintiff's Motion to Remand [docket entry no. 4] is **GRANTED**.

IT IS FURTHER ORDERED that the above styled and numbered cause should be, and is hereby **REMANDED TO THE CIRCUIT COURT OF ADAMS COUNTY, MISSISSIPPI**, pursuant to 28 U.S.C. § 1447(c).

IT IS FURTHER ORDERED that a certified copy of this order of remand shall be immediately mailed by the Clerk to the clerk of the state court pursuant to 28 U.S.C. §§ 1447(c).

SO ORDERED AND ADJUDGED this the 13th day of April 2010.

s/ David Bramlette

UNITED STATES DISTRICT COURT